IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 9th day **of** June, 2003

Criminal Misc. Third Bail Application No.158 of 2003

Order on the misc. third bail application of the accused S.M. Shah Mehdi son of Hasan Mehdi, resident of mohalla Satti, Roorkee, Police Station Kotwali Roorkee, District Haridwar

CRIMINAL SIDE

S.M. Shah Mehandi ……Accused.
son of Sri Hasan Mehandi,
resident of Mohalla Satti,
Roorkee,
Police Station Kotwali Roorkee,
District Hardwar

Versus

State of Uttaranchal. …….. Opposite Party

Arising out of case crime no. 69 of 2002,
Under Sections 420, 408, 467, 468, 471, 120-B of IPC.,
P.S. Manglor,
District Hardwar

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant-accused and the learned A.G.A. on the third bail application moved on behalf of the applicant.

The ground taken in the third bail application is that the accused is entitled to benefit of provisions of section 437(6) of Code of Criminal Procedure in view of the fact that for more than a year the accused is in jail and despite the charges having been framed on 05.09.2002 not a single witness has been examined. It is reported that therer is shortage of the officer in the cadre of the Magistrate and for want of the officer there in the court of the ACJM/Judicial Magistrate, the case in lingering on for disposal. Considering this, criminal case no.3335 of 2002, State Vs Sayeed Mohmmad Shah Mehendi is hereby transferred from the Court of ACJM, Roorkee to the Court of C.J.M., Hardwar for disposal according to law. The C.J.M., Hardwar is directed to conclude the trial preferably within a period of one month from the date of receipt of copy of this order. Let a copy of this order be also sent to the ACJM, Roorkee for compliance and to send the record at once to C.J.M., Hardwar.

With this, the bail application is disposed of finally.

(Irshad Hussain, J.)

09.06.2003/B.